UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-8,11,16,21-33 and 41-56</u> is/are pending in the application.

   4a) Of the above claim(s) <u>49-56</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-8,11,16,21-33 and 41-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

November 12, 2004 has been entered.

Claims 22, 28, 32, and 33 have been amended.

Claims 2, 9, 10, 12-15, 17-20, and 34-40 have been cancelled.

Claims 40-55 (renumbered as claims 41-56, as explained below) have been

added.

The claims renumbered as 49-56 have been withdrawn for the reasons

presented below.

Claims 1, 3-8, 11, 16, 21-33, and the claims renumbered as 41-48 are presented

for examination.

2.   Newly submitted claims 48-55 (renumbered as claims 49-56) are directed to an

invention that is independent or distinct from the invention originally claimed for the

following reasons: Claims 48-55 (renumbered as claims 49-56) are directed toward the

details of the arrangement of a data structure. These details are not presented in any of

the other pending claims; therefore, they present a new invention.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 48-55 (renumbered as claims 49-56) are

withdrawn from consideration as being directed to a non-elected invention. See 37 CFR

1.142(b) and MPEP § 821.03.

Claim Objections

3.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 40-55 have been renumbered 41-56.

4.   Claim 47 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

6.   Claims 22-33 and 41-47 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the

technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

phenomena) that do not apply, involve, use, or advance the technological arts fail to

promote the "progress of science and the useful arts" (i.e., the physical sciences as

opposed to social sciences, for example) and therefore are found to be non-statutory

subject matter. For a process claim to pass muster, the recited process must somehow

apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble

(i.e., intended or field of use) or mere implication of employing a machine or article of

manufacture to perform some or all of the recited steps does not confer statutory

subject matter to an otherwise abstract idea unless there is positive recitation in the

claim as a whole to breathe life and meaning into the preamble.

Mere intended or nominal use of a component, albeit within the technological

arts, does not confer statutory subject matter to an otherwise abstract idea if the

component does not apply, involve, use, or advance the underlying process.

Claims 22-33 and 41-47 produce a useful, concrete, and tangible result;

however, claims 22-33 and 41-47 only recite a nominal use of technology, which does

not effect any of the core steps of the invention (e.g., a calculation or analysis step).

Therefore, claims 22-33 and 41-47 are deemed to be non-statutory.

Appropriate correction is required.

Please note that the following art rejection refers to the new claims in their

renumbered form.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1, 3-5, 11, 16, 21-32, 41, and 44-48 are rejected under 35 U.S.C. 102(e)

as being anticipated by Groat et al. (US 2001/0032155 A1).

Groat discloses a user interface to facilitate at least one of analysis and planning

of business operations, comprising:

[Claim 1]   a first user interface component for selecting operating parameters for at

least one of a budgeting and forecasting process, the selected operating parameters

including at least one account of a plurality of defined accounts and a time period

associated with the at least one process (Fig. 1; ¶¶ 44, 59, 62, 71);

a second user interface element characterizing a method component used to derive base data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

a third user interface element characterizing an impact value adapted to adjust the base data to provide adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59); and

a display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

wherein the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with the at least one account (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 3]   wherein the third user interface element, upon being selected, is adapted to display a list of active impact components associated with the at least one account, each of the impact components being selectable to modify attributes associated with each respective impact component (Fig. 1; ¶¶ 53, 59);

[Claim 4]   wherein the impact value for the at least one account is an aggregate of impact values from each of the active impact components (¶¶ 32-46, 53, 59);

[Claim 5]   wherein the at least one account includes a plurality of selected accounts of the plurality of defined accounts, each account of the plurality of selected accounts having an associated second user interface element characterizing a method component used to derive associated base data and an associated third user interface element characterizing an impact value adapted to adjust the corresponding derived

base data and provide adjusted data for each respective account, the display portion

having display areas adapted to display an indication of at least one of the base data

and the adjusted data for each of the plurality of selected accounts (Fig. 1; ¶¶ 32-46,

53, 59);

wherein each of the second and third user interface elements are selectable to

effect a change in the respective method component and impact value associated with

an associated one of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 11]   wherein the third user interface element further characterizes key result

area data associated with the at least one account, the key result area data including a

key result area impact value indicative of a desired result for the at least one account,

the key result impact value corresponding to at least part of the impact value (Fig. 1; ¶¶

32-46, 53, 59, 68, 86);

[Claim 16]   a fourth user interface element that characterizes a selectable manual

impact value associated with the at least one account, the fourth user interface element

being associated with a method component adapted to generate key result area data

having another key result impact value corresponding to the manual impact value, the

manual impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-

46, 53, 59, 68, 86);

[Claim 21]   wherein the third user interface element is operatively associated with a

key result area component that characterizes a desired result for the at least one

account, the key result area component providing data indicative of a key result impact

value for the at least one account, the third user interface element being further

associated with an action plan component that characterizes a objective for another

account of the plurality of accounts, the action plan component including data indicative

of an action plan impact value for the at least one account that identifies a cost factor

associated with achieving the objective (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86).

Groat discloses a computer implemented method to facilitate at least one of

budgeting, planning, analysis and forecasting, the method comprising the steps of:

[Claim 22]   receiving data indicative of business unit activities (Fig. 1; ¶¶ 32-46, 53,

59, 62, 68, 71, 86);

storing the data to respective accounts of a plurality of accounts (Fig. 1; ¶¶ 32-

46, 53, 59, 62, 68, 71, 86);

defining impact data having an impact value for at least one account of the

plurality of accounts (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

generating base data for each selected account of the plurality of accounts, each

selected account including an associated method that is applied to the stored account

data to determine the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86); and

determining a value of adjusted data as a function of the impact data and the

base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 23]   wherein the impact data includes key result area data having a definable

key result area impact value indicative of a desired result for the at least one account,

the defined impact value for the at least one account including the key result area

impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 24]   selectively modifying the key result area data which, in turn, modifies the

defined impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 25]   wherein the key result data further includes an associated method

component that is applied to at least one of the stored account data and the base data

to derive the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 26]   wherein the impact data further includes action plan data having an action

plan impact value for the at least one account indicative of a cost associated with

achieving an objective for at least one of the plurality of accounts related to the adjusted

budget data, the defined impact value for the at least account including the action plan

impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 27]   selectively modifying at least one of the key result area data and the

action plan data, which, in turn, modifies the defined impact value according to the step

of selectively modifying (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 28]   wherein the adjusted data defines a first budget, the method further

including modifying at least one of the key result area data and the action plan data and

generating a second adjusted budget based on the modified user interface element

(Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 29]   wherein the impact data includes action plan data having an action plan

impact value for the at least one account indicative of a cost associated with achieving

an objective for at least a second account of the plurality of accounts, the defined

impact value for the at least one account including the action plan impact value (Fig. 1;

¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 30]   wherein the action plan data further includes an associated method that is

applied to at least one of the stored account data and the base data to derive the action

plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 31]   defining calendar data having a calendar time period and a starting day

and aligning a plurality of time periods in the stored account data relative to the starting

day (¶¶ 44, 62, 71);

[Claim 32]   wherein aligning further includes locating a day in each of a plurality of

time periods associated with stored account data that matches the starting day of the

calendar data (¶¶ 44, 62, 71); and

aligning each of the plurality of time periods of the stored account data so that

each of the plurality of time periods has a starting day that matches the starting day of

the calendar data, whereby each day associated with each of the plurality of time

periods is aligned with a corresponding day of the calendar time period (¶¶ 44, 62, 71).

Groat discloses a computer implemented method to facilitate budgeting,

planning, analysis and/or forecasting comprising:

[Claim 41]   receiving data that pertains to business unit activities (Fig. 1; ¶¶ 32-46,

53, 59, 62, 68, 71, 86);

storing the data to a database as a hierarchical chart of accounts, each account

representing a unit of a larger business (Fig. 1; ¶¶ 32-46, 49-57; 53, 59, 62, 68, 71, 86 -

- ¶¶ 49-57 explain that the values corresponding to the icons shown in Fig. 1 are stored

as hierarchical relationships. An icon can be broken down into sub-icons related to that

icon. For example, a "household income" group icon can be broken down into various

"individual income" icons to separately represent the income of each household

member. In this example, the "household income" functions as the recited "larger

business" while various "individual incomes" represent units of the "larger business."

Since these relationships are stored in such a manner that allows the relationships to be

represented graphically, including the use of a spreadsheet with cells to store the values

to be displayed, it is understood that the data pertaining to business unit activities is

stored to a database as a "hierarchical chart of accounts"; Incidentally, ¶ 29 also states

that Groat's invention may be applied to an individual, a household, a business, etc.);

generating base data for select accounts from the stored data for a select period

of time utilizing at least one method associated with one or more accounts (Fig. 1; ¶¶

32-46, 53, 59, 62, 68, 71, 86);

defining an impact value for at least one account based on circumstances

external to business operations (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86); and

computing and providing a value of adjusted data as a function of impact data

and the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 44]   wherein the impact value is defined based on a desired result (Fig. 1; ¶¶

32-46, 53, 59, 62, 68, 71, 86 -- The establishment of an equation is used to yield a

desired answer or result);

[Claim 45]   wherein the impact value is defined based on an event (Fig. 1; ¶¶ 32-46,

53, 59, 62, 68, 71, 86);

[Claim 46]   wherein computing adjusted data comprises applying an impact to a

plurality of accounts based on account relationships as defined by the chart of accounts

(Fig. 1; ¶¶ 32-46, 49-57, 53, 59, 62, 68, 71, 86);

[Claim 47]   wherein base data is generated by a method associated with each

account (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86).

[Claim 48]   Claim 48 recites limitations already addressed by the rejection of claim 41

above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 6-8, 33, 42, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Groat et al. (US 2001/0032155 A1), as applied to claims 1, 5, 31, and

41 above.

[Claims 6-8] Groat allows a user to view the effects of different factors on a financial

model over a given period of time (Fig. 1; ¶ 71); however, the user is limited to viewing

these effects by date. In other words, Groat does not expressly state that data from

different periods of time is displayed concurrently. Nor does Groat explicitly disclose the

concurrent display of the effects of various factors on the financial model. However,

Official Notice is taken that it is old and well-known in the art of computer presentations

to concurrently display various factors, scenarios, etc. that are being compared to one

another. The concurrent display of compared information facilitates the quick and

efficient assessment of data due to its proximity and organized arrangement on a single

display screen. Therefore, the Examiner asserts that it would have been obvious to one

of ordinary skill in the art at the time of Applicant's invention to enhance Groat's fourth

user interface with the ability to, upon activation, concurrently display the adjusted data

and corresponding data for each of the plurality of selected accounts for a different

period of time from that shown in the display areas based on account data stored in

connection with each of the plurality of selected accounts (claim 6) and, upon activation,

concurrently display the adjusted data and corresponding data for the at least one

account for a different period of time from that shown in the display area based on

account data stored for the at least one account (claim 7), wherein the fourth user

interface component further is adapted to display a daily comparison of the adjusted

data and the corresponding data from the at least one account (claim 8) in order to

facilitate the quick and efficient assessment of the recited data due to its proximity and

organized arrangement on a single display screen, which is consistent with Groat's goal

of "[allowing] a user to see how the status of the financial model will change over a

given period of time" (¶ 71).

[Claim 33]   Groat teaches the step of designating the at least one account for a

selected event and determining an attribute impact value for the designated account,

the attribute impact value being determined as a function of the stored account data for

the designated account for a corresponding event in the stored account data, the

defined impact value for the at least one account including the attribute impact value

(Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86). Groat fails to expressly disclose that the

corresponding event occurs in at least one other year; however, Groat does disclose an

individual's retirement date as being an account-affecting factor (¶ 59). Additionally,

Official Notice is taken that it is old and well-known in the art of retirement planning that

many people who take it upon themselves to implement a retirement plan do so at least

one year prior to actually retiring. This practice helps to ensure that one will have

sufficient income on which to survive after retirement. Therefore, the Examiner asserts

that it would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to utilize Groat's invention with a designated account for a

corresponding event in at least one other year in order to reap the benefits of Groat's

invention in a financial application that requires long-term planning, such as retirement

planning.

[Claims 42, 43]   Groat discloses that a user enters data pertaining to business unit

activities (¶ 32); however, Groat does not expressly teach that the data may also be

received from a point of sale (claim 42), a store, or a department (claim 43). However,

Official Notice is taken that it is old and well-known in the art of financial data collection

to import data from a point of sale, a store, or a department for use in financial analysis.

Such an automated data collection speeds up the process of gathering relevant

financial data and reduces human error commonly introduced by manual entry of data.

Since Groat discloses the type of data that is commonly related to data collected from a

point of sale, a store, or a department (e.g., Fig. 1 discloses various personal expenses

that affect one's household budget), the Examiner asserts that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to gather

related data directly from a point of sale (claim 42), a store, or a department (claim 43)

in order to speed up the process of gathering relevant financial data while reducing

human error commonly introduced by manual entry of data.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-

1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

March 23, 2005

SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623